

United States Court Of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

DHSC, LLC, d/b/a AFFINITY)	
MEDICAL CENTER,)	
)	
Petitioner,)	Docket Nos.
)	15-1426
<i>and</i>)	15-1499
)	
NATIONAL LABOR RELATIONS)	
BOARD,)	
)	
Respondent,)	
)	
<i>and</i>)	
)	
NATIONAL NURSES ORGANIZING)	
COMMITTEE,)	
)	
Intervenor.)	
)	

OPPOSITION TO PETITIONER'S MOTION TO REMAND

National Nurses Organizing Committee (“the Union”) opposes Petitioner Affinity Medical Center’s Motion to Remand this matter to the National Labor Relations Board (“the NLRB” or “the Board”). Affinity unlawfully terminated Registered Nurse Ann Wayt on September 26, 2012, in retaliation for her union organizing activity and in order to discourage other nurses from participating in

union organizing. *Affinity Med. Ctr.*, 362 NLRB No. 78, 1 n.4 (N.L.R.B. Apr. 30, 2015). Administrative Law Judge Arthur J. Amchan reached that legal conclusion in July, 2013. *Id.* at 4. The NLRB confirmed this legal conclusion in April, 2015. *Id.* at 3. The Board also confirmed Judge Amchan on several other issues related to union organizing. *Id.* at 1-3. This is the Board decision currently before the Court on petition for review and cross-application for enforcement. Docket No. 1, Ex. A (Dec. 14, 2015). Affinity now moves to remand this matter to the Board because Affinity recently closed the Medical Center. Docket No. 40 (Sept. 6, 2018). That motion should be denied. While some of the relief in the underlying Board Order may now have little effect, other remedies, including Nurse Wayt's back-pay, remain quite urgent. "Justice delayed is justice denied." *Rohr Indus., Inc. v. Washington Metro. Area Transit Auth.*, 720 F.2d 1319, 1327 (D.C. Cir. 1983) (internal quotation marks omitted). Six years is long enough.

DATED: September 17, 2018

Respectfully submitted,

NATIONAL NURSES ORGANIZING
COMMITTEE LEGAL DEPARTMENT

/s/ Carol A. Igoe

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**CERTIFICATE OF COMPLIANCE FOR INTERVENOR'S OPPOSITION
TO PETITIONER'S MOTION TO REMAND**

1. The Intervenor's Opposition to Petitioner's Motion to Remand ("Opposition") complies with the type-volume limit of Fed. R. App. P. 32(g)(1) because the Opposition contains 222 words.
2. The Opposition complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because the Opposition has been prepared in a proportionally-spaced typeface using Microsoft Word in 14-point Times New Roman font.

DATED: September 17, 2018

NATIONAL NURSES ORGANIZING
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CERTIFICATE OF SERVICE

*DHSC, LLC, d/b/a Affinity Medical Center v.
NLRB and NNOC*
D.C. Circuit Case No. 15-1462, 15-1499

I am over the age of 18 years, employed in the County of Alameda, and not a party to the within action. My business address is 155 Grand Ave., Oakland, California 94612.

I certify that on September 17, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the appellate CM/ECF System.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

DATED: September 17, 2018

NATIONAL NURSES ORGANIZING
COMMITTEE (NNOC)
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